

**IC 35-47**

**ARTICLE 47. WEAPONS AND INSTRUMENTS OF VIOLENCE**

**IC 35-47-1**

**Chapter 1. Definitions**

**IC 35-47-1-1**

**Application of definitions in chapter**

Sec. 1. Except as otherwise provided, the definitions in this chapter apply throughout this article.

*As added by P.L.311-1983, SEC.32. Amended by P.L.6-2012, SEC.230.*

**IC 35-47-1-2**

**"Alcohol abuser"**

Sec. 2. "Alcohol abuser" means an individual who has had two (2) or more alcohol related offenses, any one (1) of which resulted in conviction by a court or treatment in an alcohol abuse facility within three (3) years prior to the date of the application.

*As added by P.L.311-1983, SEC.32.*

**IC 35-47-1-2.5**

**"Ammunition"**

Sec. 2.5. "Ammunition", for purposes of IC 35-47-11.1, means:

- (1) fixed cartridge ammunition;
- (2) shotgun shells;
- (3) the individual components of fixed cartridge ammunition and shotgun shells;
- (4) projectiles for muzzle loading firearms; and
- (5) any propellant used in a firearm or in firearm ammunition.

*As added by P.L.152-2011, SEC.2.*

**IC 35-47-1-3**

**"Dealer"**

Sec. 3. "Dealer" means any person who holds himself out as a buyer and seller of handguns on a regular and continuing basis.

*As added by P.L.311-1983, SEC.32.*

**IC 35-47-1-4**

**"Drug abuser"**

Sec. 4. "Drug abuser" means an individual who has had two (2) or more violations of IC 35-48-1, IC 35-48-2, IC 35-48-3, or IC 35-48-4, any one (1) of which resulted in conviction by a court or treatment in a drug abuse facility within five (5) years prior to the date of application.

*As added by P.L.311-1983, SEC.32.*

**IC 35-47-1-5**

**"Firearm"**

Sec. 5. "Firearm" means any weapon:

(1) that is:

(A) capable of expelling; or

(B) designed to expel; or

(2) that may readily be converted to expel;

a projectile by means of an explosion.

*As added by P.L.311-1983, SEC.32. Amended by P.L.3-2008, SEC.254.*

#### **IC 35-47-1-5.1**

##### **"Firearm accessory"**

Sec. 5.1. "Firearm accessory" means:

(1) any device specifically adapted to enable:

(A) the wearing or carrying about one's person; or

(B) the storage or mounting in or on any conveyance;

of a firearm; and

(2) any attachment or device specifically adapted to be inserted into or affixed onto any firearm to enable, alter, or improve the functioning or capabilities of the firearm.

*As added by P.L.152-2011, SEC.3.*

#### **IC 35-47-1-5.5**

##### **"Gun show"**

Sec. 5.5. "Gun show" has the meaning set forth in 27 CFR 478.100.

*As added by P.L.148-1987, SEC.2. Amended by P.L.1-2006, SEC.534.*

#### **IC 35-47-1-6**

##### **"Handgun"**

Sec. 6. "Handgun" means any firearm:

(1) designed or adapted so as to be aimed and fired from one (1) hand, regardless of barrel length; or

(2) any firearm with:

(A) a barrel less than sixteen (16) inches in length; or

(B) an overall length of less than twenty-six (26) inches.

*As added by P.L.311-1983, SEC.32.*

#### **IC 35-47-1-7**

##### **"Proper person"**

Sec. 7. "Proper person" means a person who:

(1) does not have a conviction for resisting law enforcement under IC 35-44.1-3-1 within five (5) years before the person applies for a license or permit under this chapter;

(2) does not have a conviction for a crime for which the person could have been sentenced for more than one (1) year;

(3) does not have a conviction for a crime of domestic violence (as defined in IC 35-31.5-2-78), unless a court has restored the person's right to possess a firearm under IC 35-47-4-7;

(4) is not prohibited by a court order from possessing a

- handgun;
- (5) does not have a record of being an alcohol or drug abuser as defined in this chapter;
  - (6) does not have documented evidence which would give rise to a reasonable belief that the person has a propensity for violent or emotionally unstable conduct;
  - (7) does not make a false statement of material fact on the person's application;
  - (8) does not have a conviction for any crime involving an inability to safely handle a handgun;
  - (9) does not have a conviction for violation of the provisions of this article within five (5) years of the person's application;
  - (10) does not have an adjudication as a delinquent child for an act that would be a felony if committed by an adult, if the person applying for a license or permit under this chapter is less than twenty-three (23) years of age;
  - (11) has not been involuntarily committed, other than a temporary commitment for observation or evaluation, to a mental institution by a court, board, commission, or other lawful authority;
  - (12) has not been the subject of a:
    - (A) ninety (90) day commitment as a result of proceeding under IC 12-26-6; or
    - (B) regular commitment under IC 12-26-7; or
  - (13) has not been found by a court to be mentally incompetent, including being found:
    - (A) not guilty by reason of insanity;
    - (B) guilty but mentally ill; or
    - (C) incompetent to stand trial.

*As added by P.L.311-1983, SEC.32. Amended by P.L.191-1984, SEC.1; P.L.148-1987, SEC.3; P.L.269-1995, SEC.5; P.L.49-2005, SEC.1; P.L.118-2007, SEC.34; P.L.127-2011, SEC.3; P.L.114-2012, SEC.139; P.L.126-2012, SEC.57.*

#### **IC 35-47-1-8**

##### **"Proper reason"**

Sec. 8. "Proper reason" means for the defense of oneself or the state of Indiana.

*As added by P.L.311-1983, SEC.32.*

#### **IC 35-47-1-9**

##### **"Retail"**

Sec. 9. "Retail" means the sale of handguns singly or in small quantities to one who intends to be the ultimate user thereof.

*As added by P.L.311-1983, SEC.32.*

#### **IC 35-47-1-10**

##### **"Sawed-off shotgun"**

Sec. 10. "Sawed-off shotgun" means:

- (1) a shotgun having one (1) or more barrels less than eighteen

- (18) inches in length; and
- (2) any weapon made from a shotgun (whether by alteration, modification, or otherwise) if the weapon as modified has an overall length of less than twenty-six (26) inches.

*As added by P.L.311-1983, SEC.32.*

**IC 35-47-1-11**

**"Shotgun"**

Sec. 11. "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

*As added by P.L.311-1983, SEC.32.*

**IC 35-47-1-12**

**"Superintendent"**

Sec. 12. "Superintendent" refers to the superintendent of the Indiana state police department.

*As added by P.L.311-1983, SEC.32.*

**IC 35-47-1-13**

**"Wholesale"**

Sec. 13. "Wholesale" means the sale of handguns singly or in bulk lots to one lawfully licensed to deal in handguns, or the sale of a handgun to a governmental law enforcement agency for issue to its employees.

*As added by P.L.311-1983, SEC.32.*